

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROMALLIS DELCI COLVIN,

Petitioner,

v.

Civil No. 05-74888-DT

HONORABLE GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

MARY BERGHUIS,

Respondent,

_____ /

OPINION AND ORDER DENYING THE MOTION FOR RECONSIDERATION

On October 5, 2006, this Court issued an opinion and order summarily dismissing petitioner's application for habeas relief on the ground that the petition had not been filed in compliance with the one year statute of limitations contained in 28 U.S.C. § 2244(d)(1). This Court also denied petitioner a certificate of appealability and leave to appeal *in forma pauperis*. *Colvin v. Berghuis*, No. 2006 WL 2865222 (E.D.Mich. October 05, 2006). Petitioner has now filed a motion for reconsideration. For the reasons stated below, the motion for reconsideration is

DENIED

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F.

Supp. 2d 628, 632 (E.D. Mich. 2001). A motion for reconsideration should be granted if the movant demonstrates a palpable defect by which the court and the parties have been misled and show that correcting the defect will lead to a different disposition of the case. *See DirecTV, Inc. v. Karpinsky*, 274 F. Supp. 2d 918, 921 (E.D. Mich. 2003).

In the present case, petitioner has made a number of lengthy arguments in support of his motion for reconsideration. All of these arguments were considered by this Court, however, either expressly, or by reasonable implication, when the Court summarily dismissed his petition for writ of habeas corpus on the ground that petitioner had failed to comply with the one year statute of limitations contained in 28 U.S.C. § 2244(d)(1). Petitioner's motion for reconsideration will therefore be denied, because petitioner is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court summarily dismissed his petition for writ of habeas corpus and denied petitioner a certificate of appealability. *See Hence v. Smith*, 49 F. Supp. 2d 549, 553 (E.D. Mich. 1999).

ORDER

Based upon the foregoing, IT IS ORDERED that the motion for reconsideration is **DENIED**.

Dated: November 27, 2006

S/George Caram Steeh
GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
November 27, 2006, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk